

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:21-CR-00431-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES HUTSON,

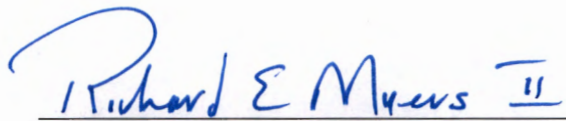
Defendant.

ORDER

This matter comes before the court on the United States' Motion for [additional] Restitution [DE 63]. On January 31, 2024, the court ordered that Defendant pay restitution of \$67,000.00 to sixteen named victims in accordance with the government's unopposed motion filed January 10, 2024 (DE 40). More than two months after it filed the original motion, the United States asserts in the present motion that it discovered six additional victims were "inadvertently left off the original [motion]" and requests that the court modify its order by imposing another \$27,000.00 in restitution for these victims. DE 63 at 2. Defendant, who is represented in this matter by an attorney different from his trial counsel, responds that the United States' motion is untimely and requests that, if the court finds the motion to be timely, Defendant be granted another fourteen days in which "to brief the factors enunciated in *Paroline v. United States*, 572 U.S. 434 (2014) as they relate to the Government's request." DE 72. The government replies that it provided information regarding the six additional victims to Defendant during discovery in this case and, thus, Defendant is not prejudiced by its present request for additional restitution. DE 75. The United States did not respond to Defendant's request for leave to file additional briefing. *See id.*

The court finds that, due to the post-judgment change in defense counsel and the uncertainty as to whether the government conferred with *current* counsel before filing the present motion (as required by this court's practice preferences), Defendant should be granted the opportunity to file a surreply in support of his response to the United States' motion. In it, Defendant shall set forth *all* of his arguments in opposition to the government's request. Defendant's brief shall be filed on or before May 24, 2024.

SO ORDERED this 9th day of May, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE